



CERTIFICATE OF MAILING

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On October 7, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: *Lois M. Simón*
Lois M. Simón

PATENT

Docket No.: 02558B-063100US
Client Ref. No.: BRP00064

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael I. Watkins et al.

Application No.: 09/548,883

Filed: April 13, 2000

For: MULTI-ANALYTE DIAGNOSTIC
TEST FOR THYROID DISORDERS

Examiner: Gabel, G.

Art Unit: 1641

RESPONSE - REQUEST FOR
CONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Office Action dated August 10, 2005.

In that Action, the Examiner responded to the filing of a claim of priority of U.S. application 09/302,920 by citing 37 C.F.R. 1.78, which currently requires that if priority was claimed more than four months after filing an application, a petition for acceptance of an unintentionally delayed claim for priority must be filed.

However, the current Rule 78 is not applicable to this present Application. This version of the Rule was enacted effective November 29, 2000 and was expressly made applicable to patent applications filed thereafter [65 Fed. Reg. 57024; September 20,

2000]. However, the present Application was filed April 13, 2000, so that the previous version of Rule 78, which did not place a time limit on claiming priority, applies to it.

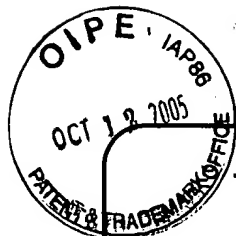
Applicants therefore request that the examiner withdraw the requirement of filing a petition and allow Applicants' claim to priority, in which case Applicants submit that all rejections have been overcome and a Notice of Allowance should be issued.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Joel G. Ackerman
Reg. No. 24,307

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PTO/SB/21 (09-04)

1641

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

09/548,883

Filing Date

April 13, 2000

First Named Inventor

Watkins, Michael I.

Art Unit

1641

Examiner Name

Gabel, G.

Attorney Docket Number

02558B-063100US

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional ApplicationPower of Attorney, Revocation
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____



Landscape Table on CD



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

Return Postcard

Certified Copy of Priority
Document(s)Reply to Missing Parts/ Incomplete
ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Remarks

The Commissioner is authorized to charge any additional fees to Deposit
Account 20-1430.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

Joe G. Ackerman

Date

October 7, 2005

Reg. No.

24,307

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Lois M. Simón

Date

October 7, 2005